APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,790	08/16/2001	Kedar Madineni	5166P004	3635

8791   7590   04/22/2005

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EXAMINER
COURTENAY III, ST JOHN

ART UNIT	PAPER NUMBER
2194	

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/931,790	MADINENI ET AL.
		Examiner	Art Unit	
		St. John Courtenay III	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 March 2005</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8, 15-23* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8 and 15-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 August 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

ST. JOHN COURTENAY III
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Response to Amendment

Response to Arguments

Regarding Applicant's assertion that **Dziadosz** fails to disclose where a device provides information to the operating system, the Examiner notes that **Dziadosz** explicitly discloses: "the architecture 39 also facilitates transferring I/O requests (e.g., I/O <u>reads</u> and writes) between the local processing unit 12a and the local disk 32 along the conventional I/O path 36 in a manner well known to one of ordinary skill in the art" [see col. 7, lines 36-41]. The use of the notoriously well known terms of art, e.g., "I/O" (i.e., "Input/Ouput") and "read" and "write" clearly denote bi-directional communication.

New Grounds of Rejection

Applicant's remarks have been considered, but are deemed to be moot in view of the new grounds of rejection necessitated by Applicant's amendments to the claims. New grounds of rejection under **35 U.S.C. §103** are set forth below.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1- 6, 8, 15-20, 22, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dziadosz et al.** (U.S. Patent 5,832,222) in view of **Sadovsky et al.** (U.S. Patent Application Publication US 2002/0004852).

As per independent claims 1 & 15:
Dziadosz teaches a method in the kernel of an operating system
comprising:

- receiving in the kernel [see "kernel layer 40" col. 7, line 43]
  of an operating system at least one request regarding at
  least one designated device of a plurality of devices from at
  least one application program [col. 7, line 48];

- communicating the at least one request from the kernel of
  the operating system to the at least one designated device
  via a well known communication protocol [see protocol
  discussion col. 8, lines 8-18];

- forwarding the information from the kernel of the operating
  system to the application program that sent the request [see
  transmission of data discussion col. 8, beginning line 53].

However, **Dziadosz** does not explicitly disclose the following
additional limitations:

Sadovsky teaches communicating asynchronous event
information from the at least one designated device to the kernel
of the operating system, and forwarding the asynchronous event
information from the kernel of the operating system to the
application program that sent the request, as claimed [e.g., see
§0045 where scanned image data is returned and associated
discussion §0033 where the application makes the request, as
claimed; see also kernel I/O functions, §0026 and also
background discussion §0027].

It would have been obvious to one of ordinary skill in the art at
the time the invention was made to improve upon the system
taught by **Dziadosz** by implementing the improvements detailed

above because it would provide **Dziadosz's** system with the enhanced capability of using simplified device drivers for operating hardware devices [**Sadovsky** §0006].

As per dependent claim 2:
Dziadosz teaches the at least one designated device comprises a remote device accessible via a network [see e.g., remote disk 32b, col. 7, lines 12 & 13; see also remote device discussion col. 12, line 5].

As per dependent claim 3:
Dziadosz teaches the at least one designated device comprises a local device [see e.g., local disk 32, col. 7, line 1].

As per dependent claim 4:
Dziadosz teaches the at least one request comprises at least one of a status request and a control request [see request type 64, fig. 6, and associated discussion col.9, beginning line 7].

As per dependent claim 5:
Dziadosz teaches the communications protocol is the user datagram protocol (UDP) [see UDP header 82, fig. 6 and associated discussion col. 11, line 3].

As per dependent claim 6:
Dziadosz inherently teaches receiving the request is achieved via at least one socket [UDP sockets are part of the User Datagram Protocol disclosed by Dziadosz, col. 11, line 3].

As per dependent claim 8:
Dziadosz teaches forwarding the information is achieved via a socket [UDP sockets are part of the User Datagram Protocol disclosed by Dziadosz, col. 11, line 3; the use of TCP/IP is also disclosed (inherently involving sockets as connection endpoints on the TCP/IP network, col. 8, line 10].

As per dependent claim 16:
See the rejection of claim 2 detailed above.

As per dependent claim 17:
See the rejection of claim 3 detailed above.

As per dependent claim 18:
See the rejection of claim 4 detailed above.

As per dependent claim 19:
See the rejection of claim 5 detailed above.

As per dependent claim 20:
See the rejection of claim 6 detailed above.

As per dependent claim 22:
See the rejection of claim 8 detailed above.

As per dependent claim 23:
Dziadosz broadly discloses the use of UNIX, this generic
disclosure inherently encompassing the various flavors of UNIX,
e.g., other UNIX or UNIX-like operating system dialects, such as
LINUX [col. 1, line 28].

Claims 7 and 21 are rejected under 35 U.S.C. 103(a) as being
unpatentable over **Dziadosz et al.** (U.S. Patent 5,832,222) in
view of **Sadovsky et al.** (U.S. Patent Application Publication US
2002/0004852), and further in view of **Belfiore** et al. (U.S.
Patent Application Publication US 2002/0059425).

As per dependent claims 7 & 21:
Dziadosz & **Sadovsky** disclose the invention substantially as claimed, as discussed above.

However, **Dziadosz**, as modified by **Sadovsky**, does not *explicitly* teach the following additional limitations:

Belfiore teaches the use of a subscription request from an application program regarding at least one of the plurality of devices [§0132], receiving in the kernel of the operating system an event from one of the plurality of devices [§§0132, 0133]; and forwarding event information from the kernel of the operating system to the application program that sent the subscription request regarding the device, as claimed [§0132; see also event component description §§0124-0128].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon the system taught by **Dziadosz** & **Sadovsky** by implementing the improvements detailed above because it would provide the combined system of **Dziadosz** & **Sadovsky** with the enhanced capability of *"flexibility and choice of the service to publish events, such as, by way of example, kernel events"* [see **Belfiore** col. 12, §§ 0132, 0133].

Prior Art not relied upon:
Please refer to the references listed on the attached PTO-892 which are not relied upon in the claim rejections detailed above.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See **MPEP § 706.07(a)**. Applicant is reminded of the extension of time policy as set forth in **37 CFR 1.136(a)**.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to **37 CFR 1.136(a)** will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

How to Contact the Examiner:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to St. John Courtenay III, whose telephone number is 571-272-3761. A voice mail service is also available at this number. The Examiner can normally be reached on Monday - Friday, 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng-AI who can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

All responses sent by U.S. Mail should be mailed to:

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**PTO CENTRAL FAX NUMBER:
703-872-9306**

- Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: (571) 272-2100.**

ST. JOHN COURTENAY III
PRIMARY EXAMINER